

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD**  
**September 27 – October 1, 1999**

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
9-27	OPP	97,609	Kal Kan Foods, Inc. v. Hacht Sales and Marketing, Ltd.	Quinn Hohein* Bucher	2(d); affirmative defense of laches	Opposition Sustained	"PEDIGREE" [pet food; beds for household pets] et al.	"PEDIGREE PARK" [pet supplies, namely, rawhide chews, animal leashes and collars]			No
9-27	EX	74/476,641	Packet Engines (WA) Inc.	Simms Seeherman Chapman*	genericness [whether applicant's mark is registrable on the Supp. Reg.]; whether applicant's mark has acquired distinctiveness under Sec. 2(f)	Refusal Affirmed		"PACKET ENGINES" [computer hardware and computer programs for data communications, storage and image applications]		Matthews	No
9-27	OPP	106,540	Hewlett-Packard Co. v. Pack-quision Corp.	Quinn Hairston* Wendel	2(d)	Opposition Sustained	"HEWLETT-PACKARD" [computers, computer software, data processing and data storage systems and accessories; consulting services in the field of data processing; apparatus used for data acquisition and processing; etc.]	"PACKARD TECHNOLOGIES" [data and information processing; electronic transmission of data and documents via computer terminals; electronic transmission of messages and data; data and digital information (media duplication of); conversion from one media form to another media (document data transfer and physical)]			No

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration

(2) \*=Opinion Writer; (D)=Dissenting Panel Member

## SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD

September 27 – October 1, 1999 (continued)

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
9-28	EX	75/025,611	Boston Technology, Inc.	Seeherman Walters* Bucher	2(e)(1)	Refusal Reversed		"ACCESSWEB" [computer software for serving voice messages, video messages, fax messages and e-mail messages using hypertext mark up language on a global computer network and associated hardware, namely, communications data switching equipment]		Le	No
9-28	EX	75/051,769	Buckeye Cablevision, Inc.	Seeherman* Hairston Bucher	whether applicant's mark has acquired distinctive-ness and is registrable under Sec. 2(f)	Refusal Affirmed		"CABLESYSTEM CONTROLLER" [programmable remote transmitter and receiver for operating a television receiver]		Goodman	No
9-28	EX	75/036,568	World Marketing Services, Inc.	Rice* Seeherman Quinn	whether applicant's mark has acquired distinctive-ness and is registrable under Sec. 2(f); whether applicant's mark is used as a service mark for its recited services	Refusal Affirmed (but only on ground that mark has not acquired distinctive-ness under Sec. 2(f))		"TRAVEL BARGAINS" [travel agency services, namely, making reservations and bookings for transportation and arranging travel tours and cruises]		George	No

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration

(2) \*=Opinion Writer; (D)=Dissenting Panel Member

## SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD

September 27 – October 1, 1999 (continued)

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
9-28	EX	75/160,655	Corning Inc.	Cissel* Hohein Wendel	2(e)(1)	Refusal Affirmed		"GLARECUTTER" [ophthalmic lenses]		Alt	No
9-28	EX	75/265,925	Landmark General Corp.	Cissel Hohein* Hairston	2(d)	Refusal Affirmed		"LANDMARK" [calendars, diaries, appointment books and event planners]	"LANDMARK BOOKS" (and design) [books]	Taylor	No
9-29	EX	75/341,506	Nature's Finest Foods, LLC	Cissel Walters Rogers*	Section 6 disclaimer requirement (of words ORIGINAL CREME ICE)	Refusal Affirmed		"MR. THOMPSON'S ORIGINAL CREME ICE—STILL MADE HIS WAY" (and design) [frozen sherbet made from evaporated milk]		Bullock	No
9-29	EX	75/178,501	Ziff Davis Publishing Co.	Seeherman* Hanak Quinn	2(e)(1)	Refusal Reversed		"VAR SHOPPER" [providing multiple user access to a global computer information network for the transfer and dissemination of a wide range of information regarding computer related products and services; providing information regarding computer related products and services via a computer network]		Thayer	No
9-30	EX (R)	75/163,283	The Web-Depot, Inc.	Cissel Seeherman Hohein*	2(d); 2(e)(1)	Request for Reconsideration Denied (Refusal Affirmed on both grounds)	"HOTSEX" [providing adult entertainment services and information regarding adult entertainment solely through an on-line global computer network]	"1-900-HOT-SEXY" [entertainment in the nature of adult-oriented telephone messages and the distribution of printed materials in association therewith]		Matthews	No

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration

(2) \*=Opinion Writer; (D)=Dissenting Panel Member

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD**  
**September 27 – October 1, 1999 (continued)**

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
9-30	OPP	105,884	Starfish Software, Inc. v. FileTrak Software, Inc.	Quinn Walters Bottorff*	2(d)	Opposition Dismissed	"SIDEKICK" [various computer software products]	"FILEKICK" [computer software for file management]			No
9-30	EX	75/240,225	Chewing Brush, Inc.	Seeherman Quinn Bottorff*	2(e)(1)	Refusal Affirmed (but only to the extent of requiring applicant to submit a disclaimer of the word BRUSH)		"CHEWING BRUSH" [toothbrushes]		R. Clark	No
9-30	EX	75/159,195	Cortec Corp.	Seeherman Bucher* Bottorff	2(e)(1) [genericness]; whether applicant's mark, if not generic, has acquired distinctiveness under Sec. 2(f)	Refusal Affirmed (on both grounds)		"MIGRATING CORROSION INHIBITORS" [chemical preparation for use in reduction of corrosion of steel reinforcing members present in concrete structures]		Mandir	No
9-30	EX	75/293,155	Nu Skin Int'l, Inc.	Sams Wendel Bottorff*	2(d)	Refusal Affirmed		"HAIRFITNESS" [hair care and styling preparations, namely, shampoos, hair and scalp conditioners, hair detangling preparations, etc.]	"HAIR FITNESS" (and design) [vitamin and nutritional supplements for the hair]	Martin	No

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration

(2) \*=Opinion Writer; (D)=Dissenting Panel Member

